

MIDDLETOWN ZONING BOARD OF REVIEW MAY 26, 2009

**A meeting of the Middletown Zoning Board was held on May 26, 2009,
at**

7:00 p.m. Present at this meeting were Thomas Silveira, Peter Van Steeden, Stephen MacGillivray, Frank Flanagan, and Michael Potter.

Continuances:

Petition of: Bancroft Partners, LLC – 1100 Aquidneck Avenue, Middletown, Rhode Island by their attorney Robert M. Silva, Esq., continuance of to 6/23/09 for control purposes.

Petition of: Eric & Cristina Offenbergl – 5 Maloney, Lane, Middletown, Rhode Island (owners) for a Variance from Section 705- Table 7.1. Continued until 6/23/09 meeting due to the unavailability of petitioners.

Petition of: Renaissance Development Corp., 35 Sockanosset Cross Road, Cranston, Rhode Island (owner) - for a Special Use Permit from Section 1211, Tables 12-4 & 12-5 to allow a 6' round internally-illuminated box cabinet letter sign where 30 sq. ft. is allowed. Continued to 6/23/09.

Summary Cases:

Petition of: James M. Riley – 17 Gunning Ct., Middletown, Rhode Island (owner) – for a variance from section 603, 701 & 803G – to construct a 16' x 28' one-story addition with a rear yard setback of 10' where 30' is required. Said real estate located at 17 Gunning Ct. and further identified as Lot 22 on Tax Assessor's Plat 115.

Testimony of James m. Riley –

- wants to demolish entire first floor and extend rear as shown on plans submitted with application into setback

Testimony of neighbor Foster –

- objects because she does not know what the plan entails. Due to objection case moved to regular calendar and called first on said calendar.

Testimony of Gerald Venancio –

- supports position and will review and oversee construction

Motion by Peter van Steeden to grant petition based on satisfaction of applicable standards through testimony of applicant.

Second by Stephen MacGillivray

Motion passes 5-0.

New Cases:

Petition of: Purgatory Associated, LLC – 84 Purgatory Rd.

Middletown, Rhode Island (owner) – Stas Birutis, 940 Quaker Lane #221, Warwick, Rhode Island (applicant) – for a Special Use Permit from Section 602 – to allow the operation of a Bicycle Rental Shop. Said real estate located at 82 Purgatory Rd and further identified as Lot 39 on Tax Assessor's plat 116NW.

Testimony of Stas Birutis (applicant) –

- Indicates the need for granting of Special Use Permit and the fact that he has 2

parking spaces as required

Exhibit A1 – Business Plan – Bikes and Kites

Exhibit A2 – Bikes and Kites Cycling Tips

Testimony of Richard J. Ortiz, 96 Purgatory Road, Middletown, RI

- Lives in the house up the street

- States that during the first week of operation , there were no parking spaces and cars were stopping in front

- Parking spaces were used for storing bicycles

Testimony of Ronald Grinnell, 90 Purgatory Road, Middletown, RI

- States that the owners of the subject property live at the property upstairs from the commercial space. These owners have three cars that block the majority of the parking spaces.

- States that the rental shop will cause a nuisance and public safety hazard and witnessed that during the first weekend of operation.

Testimony of William Dore, 76 Purgatory Road, Middletown, RI

- Provides additional testimony. Initially objects to any commercial space but upon being informed that retail is allowed as a matter of

right, he emphasizes objection to rental aspect of business

- States that there is no place for people to drive to the shop and rent bikes.**

Testimony of Flora Dore, 76 Purgatory Road, Middletown, RI

- States that the parking situation is already intolerable**

- Relates a story where tourists drive onto her property and try to park**

- States that it is her observation that the store has made things worse.**

Moved by Peter Van Steeden to approve the petition with the condition that there are two viable parking spaces

Seconded by Stephen MacGillivray

Discussion ensues.

Amendment offered by Stephen MacGillivray to limit the duration of the Special Use Permit to one year

Seconded by Peter Van Steeden

Amendment Defeated 4-1

Motion to Approve Petition Defeated 3-2

Petition is Denied.

Petition of Susan T. Phinney – 44 Bliss Mine Road, Unit 4-7, Middletown, RI (owner) – for a Special Use Permit from Section 803A – to construct a 10' x 16' roof deck over the existing flat roof for use by unit 4-7 thereby expanding a non-conforming use. Said real estate

located at 44 Bliss Mine Road and further identified as Lot 18207 on Tax Assessor's Plat 109NE.

Testimony by Susan T. Phinney

- Petitioner states that a Special Use Permit was previously granted but had lapsed**
- Explains condominium groups need to make stated improvements**

No Objections

Motion by Peter Van Steeden to approve

Second by Stephen MacGillivray

Motion passes 5-0.

Petition Granted.

Meeting is adjourned at 9:20 p.m.

Respectfully Submitted

Stephen J. MacGillivray